

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE A. LAGUER,

Plaintiff,

v.

H. ARREOLA, et al.,

Defendants.

No. 1:24-cv-00979-KES-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION TO DISMISS
CERTAIN CLAIMS

Docs. 20, 24

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 20, 2025, defendants filed an unopposed motion to dismiss plaintiff's claims to the extent they are brought against defendants in their official capacity. Doc. 20. On July 2, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendants' motion be granted. Doc. 24. The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. *Id.* at 5. No objections were filed to the findings and recommendations.

On July 9, 2025, plaintiff filed objections, Docs. 25, 27, to the magistrate judge's prior order, Doc. 23, which denied plaintiff's motion for appointment of counsel, Doc. 22. Defendants

1 filed a reply on July 23, 2025, Doc. 26. The Court construes plaintiff's objections as a motion for
2 reconsideration of the magistrate judge's order denying the appointment of counsel. Plaintiff's
3 objections fails to establish the "exceptional circumstances" required to justify appointment of
4 counsel. *See Agyeman v. Corr. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). Moreover,
5 based on a review of plaintiff's filings, it is clear that plaintiff is able to articulate his claims and
6 arguments. Accordingly, the magistrate judge did not err in denying the appointment of counsel
7 and plaintiff's motion for reconsideration is denied.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court conducted a de
9 novo review of this case. Having carefully reviewed the file, the Court concludes that the
10 findings and recommendations are supported by the record and proper analysis.

11 Accordingly:

- 12 1. The findings and recommendations issued on July 2, 2025, Doc. 24 are ADOPTED in full;
- 13 2. Defendants' motion to dismiss plaintiff's claims against defendants in their official
14 capacity, Doc. 20, is GRANTED;
- 15 3. Plaintiff's objections, Doc. 25 & 27, construed as motions for reconsideration of the
16 magistrate judge's order denying appointment of counsel, Doc. 30, are denied.
- 17 4. Defendants shall file an answer to the operative complaint within fourteen (14) days from
18 the date of service of this order.

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21 IT IS SO ORDERED.

22 Dated: August 31, 2025


UNITED STATES DISTRICT JUDGE